

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ADRIANA M. CASTRO, M.D., P.A.;
SUGARTOWN PEDIATRICS, LLC; and
MARQUEZ and BENGOCHEA, M.D., P.A.,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

SANOFI PASTEUR INC.,

Defendant.

CIVIL ACTION NO. 11-cv-07178-JLL

CLASS ACTION

**STIPULATION TO AMEND
SCHEDULING ORDER AND PAGE
LIMITS**

WHEREAS, Sanofi believes that one of Plaintiffs' experts addressed new matters in his Rebuttal Report in Support of Class Certification, an assertion that Plaintiffs deny;

WHEREAS, Sanofi wishes to respond to the alleged new matter in a supplemental expert report, and Plaintiffs wish to be able to respond to Sanofi's supplemental report with a responsive supplemental expert report in an orderly fashion;

WHEREAS, the parties agree that it would make sense to modify the schedule to accommodate these supplemental reports;

WHEREAS, the parties agree further that no additional depositions are necessary regarding the supplemental reports;

WHEREAS, the parties also agree that excess pages are necessary for the briefs relating to class certification and *Daubert* motions; and

WHEREAS, Sanofi intends to file one or more *Daubert* motions relating to Plaintiffs' class certification experts, and Plaintiffs are considering whether *Daubert* motions are appropriate at the class certification stage, and if so, whether they should file one or more *Daubert* motions directed to Sanofi's class certification expert;

The parties therefore stipulate, subject to Court approval, as follows:

1. The parties are each granted leave to file a single supplemental expert report directed to class certification pursuant to the schedule set forth below. Plaintiffs reserve the right to move to strike any aspect of Sanofi's supplemental class certification report that goes beyond responding to alleged new matter in Prof. Einer Elhauge's rebuttal class certification expert report which Sanofi's expert allegedly did not have an opportunity to address in its class opposition report, and Sanofi reserves the right to move to strike any aspect of Plaintiffs' supplemental class certification report that goes beyond responding to Sanofi's expert's supplemental class certification report.
2. Without deciding whether *Daubert* motions are appropriate at this stage, the parties are each granted leave to file a single *Daubert* motion relating to the class certification experts. Opening briefs shall be no more than 30 pages; opposition briefs shall be no more than 30 pages; and reply briefs shall be no more than 20 pages. All briefs will be in 12-point proportional font. Double-Spaced
3. Plaintiffs' opening brief in support of its motion for class certification shall be no more than 45 pages; Defendant's opposition brief shall be no more than 48 pages; and Plaintiffs' reply brief shall be no more than 35 pages. All briefs will be in 12-point proportional font. Double-Spaced
4. All deadlines in this case are modified as set forth below:

Event	Deadline Under Fifth Amended Scheduling Order	New Deadline
Sanofi's supplemental class certification expert report due	N/A	September 30, 2014
Plaintiffs' supplemental class certification expert report due	N/A	October 31, 2014
Class certification expert discovery closes	September 16, 2014	October 31, 2014
Class certification motion due	September 17, 2014	December 15, 2014
Plaintiffs' class certification <i>Daubert</i> motions due	N/A	December 15, 2014
Opposition to class certification due	October 27, 2014	February 13, 2015
Opposition to Plaintiffs' class certification <i>Daubert</i> motions due	N/A	February 13, 2015
Defendant's class certification <i>Daubert</i> motions due	N/A	February 13, 2015
Reply to opposition to class certification due	November 25, 2014	March 30, 2015
Plaintiffs' reply to opposition to class certification <i>Daubert</i> motions due	N/A	March 30, 2015
Plaintiffs' opposition to class certification <i>Daubert</i> motions due	N/A	March 30, 2015
Defendant's reply to opposition to <i>Daubert</i> motions due	N/A	April 27, 2015
Plaintiffs' merits expert reports due	December 19, 2014	May 4, 2015
Defendant's merits expert reports due	February 20, 2015	June 29, 2015
Rebuttal merits expert reports due	March 30, 2015	August 21, 2015
Merits expert discovery closes	April 24, 2015	September 18, 2015
Summary judgment motions due	May 15, 2015	October 5, 2015

Event	Deadline Under Fifth Amended Scheduling Order	New Deadline
Oppositions to summary judgment due	June 19, 2015	November 9, 2015
Reply to opposition to summary judgment due	July 24, 2015	December 14, 2015
Final pretrial conference	TBD	TBD

STIPULATED AND AGREED:

/s/ Wanda L. Ellert

Wanda L. Ellert
PROSKAUER ROSE LLP
One Newark Center
Newark, NJ 07102

Attorney for Defendant

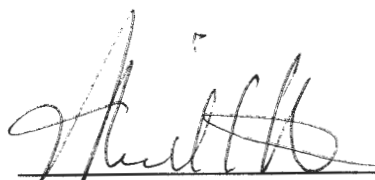
Dated: September 10, 2014

/s/ Peter S. Pearlman

Peter S. Pearlman
COHN LIFLAND PEARLMAN
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250 Pehle Avenue, Suite 401
Saddle Brook, NJ 07663

Attorney for Plaintiffs

SO ORDERED: on this 10th day of September, 2014



Hon. Michael A. Hammer
United States Magistrate Judge